

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MICHELLE MARTIN,	:	
	:	S1 21 Cr. 700 (DLC)
Defendant.	:	
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WHEREAS, on or about February 22, 2023, MICHELLE MARTIN (the “Defendant”), among others, was charged in three counts of a four-count superseding Indictment, S1 21 Cr. 700 (700) (the “Indictment”), with conspiracy to commit health care and honest services wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); violation of anti-kickback statute, in violation to Title 42, United States Code, Section 1320a-7b(b)(1) and Title 18, United States Code, Section 2 (Count Three); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (Count Four);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts Two and Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of offenses charged in Counts Two and Three of the Indictment;

WHEREAS, on or about March 24, 2023, the Defendant pled guilty to Count Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to

forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(7), a sum of money equal to \$5,600 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$5,600 in United States currency, representing the proceeds traceable to the offenses charged in Count Three of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Count Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Kedar S. Bhatia, Jarrod L. Schaeffer, and Derek Wikstrom, of counsel, and the Defendant and his counsel, John T. Zach, Esq. and Erica N. Sweeting, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$5,600 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, MICHELLE MARTIN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Department of Treasury shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

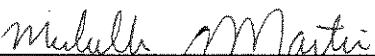
AGREED AND CONSENTED TO:


DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:   
KEDAR S. BHATIA  
JARROD L. SCHAEFFER  
DEREK WIKSTROM  
Assistant United States Attorneys  
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New York, NY 10007  
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3/24/23  
DATE

MICHELLE MARTIN

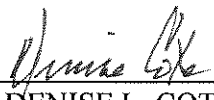
By:   
MICHELLE MARTIN

By:   
JOHN T. ZACH, ESQ.  
ERICA N. SWEETING, ESQ.  
Attorneys for Defendant  
55 Hudson Yards  
New York, NY 10001

3/24/23  
DATE

3/24/23  
DATE

SO ORDERED:

  
HONORABLE DENISE L. COTE  
UNITED STATES DISTRICT JUDGE

March 24, 2023  
DATE